

EXHIBIT 10

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CASE NUMBER: 3:05-CV1018-M

DENISE L. SMITH,

Plaintiff,

vs.

SEARS,

Defendant.

S T I P U L A T I O N

IT IS STIPULATED AND AGREED by
and between the parties through their
respective counsel, that the deposition of
Denise L. Smith may be taken before Anita
Thebo, Commissioner, at the offices of
Burr & Forman, at 201 Monroe Street,
Montgomery, Alabama 36104, on the 28th day
of April, 2006.

DEPOSITION OF DENISE L. SMITH

(48094)

LEGALINK, A MERRILL COMPANY
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Page 70

1 A. Vacuums and sewing and
2 microwaves.

3 Q. And that was -- Do you recall,
4 was that still under Greg Newton?

5 A. That was under -- That might
6 have been under Kenny when it got changed,
7 but I can't say for sure.

8 Q. And then at some point in time
9 you went back to --

10 A. Appliances.

11 Q. -- appliances, correct?

12 A. Uh-huh (positive response).

13 Q. And do you recall when that
14 was?

15 A. Had to be April -- I was --
16 Actually I was -- I actually went in
17 March, but not officially until April.

18 Q. 2004?

19 A. Right.

20 Q. And Kenny Reese was the SGM at
21 that time?

22 A. Right.

23 Q. Did you have to apply for

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 81

1 Q. Were you ever given any kind
2 of written warning?

3 A. No.

4 Q. Were you ever suspended while
5 working at Sears?

6 A. No.

7 Q. Now, as appliances, that's
8 considered where you can make the most
9 money; is that correct?

10 A. Correct.

11 Q. That's where you need your
12 most experienced sales people; is that
13 correct?

14 A. That's correct.

15 Q. So moving from electronics to
16 appliances, Sears would want to put their
17 better sales people in the appliances
18 department, right?

19 A. Rephrase that again. I'm
20 sorry.

21 Q. Sears tries to put their
22 better sales people in the appliances
23 department, correct? Is that your

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 82

1 understanding.

2 A. They'll put them anywhere in
3 the hardlines.

4 Q. Is appliances considered a
5 better position than electronics or other
6 hardwares?

7 A. It is.

8 Q. Now, part of the job duties
9 also, other than assisting customers and
10 being familiar with the products, was it
11 also part of your duties to keep the area
12 clean and those kinds of things?

13 A. That's correct.

14 Q. Now, Sears would often give
15 coupons to its customers, correct?

16 A. That's correct.

17 Q. And part of your job was to --
18 if a customer brought in a coupon was to
19 look at it, scan it, and give them the
20 proper discount, correct?

21 A. Some of it's correct. Some of
22 it -- That might be corporate policy, but
23 that wasn't the policy at local level. We